

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Dorothy R. Drain,
Plaintiff

v.

Case No. 1:07-cv-690

James Nicholson, Secretary
Department of Veterans Affairs, et al.,
Defendants

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed March 16, 2009 (Doc. 36).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's complaint is **DISMISSED** with prejudice for her failure to participate in the discovery process, and to respond to the Court's Order, and for lack of prosecution.

This Court certifies that pursuant to 28 U.S.C. § 1915(a)(3) an appeal of this Order would not be taken in good faith, and therefore **DENIES** petitioner leave to appeal *in forma pauperis*. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

This action is closed.

Date: April 6, 2009

s/Sandra S. Beckwith
Sandra S. Beckwith, Senior Judge
United States District Court